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August 27, 2021

Judge Victor Marrero  
United State District Judge  
Southern District of New York  
500 Pearl Street, suite 1610  
New York, NY 10007

Re: *KDH Consulting Group, LLC v. Iterative Capital Management, L.P.*, et al,  
20-cv-3274

Dear Judge Marrero:

The Parties write to request a 60-day extension to the Court's remaining deadlines, as reflected in the attached amended Case Management Order, as Exhibit A. The current fact cutoff for discovery is September 24, 2021. The Parties request to extend that to November 24, 2021.

On June 14, 2021, Pollock Cohen LLP replaced Rika Khurdayan of Khurdayan PLLC as counsel for Plaintiff. ECF No. 88. The Court had already entered a Case Management Order prior to substitution of counsel. Since then, the Parties have propounded document requests, requests for interrogatories, and requests for admissions. The Parties have also had extensive discussions on discovery on multiple occasions.

Nonetheless, given the length of the Parties negotiations, that Plaintiff's counsel is new to this case, and that Plaintiff's counsel observes the Jewish High Holidays, which fall throughout September, the Parties have agreed that a 60-day extension is appropriate.

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The Parties have otherwise not requested an extension of the Court-ordered deadlines.

Respectfully submitted,

/s/ Raphael Janove

Adam Pollock

Raphael Janove

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Enclosures

# Exhibit A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KDH CONSULTING GROUP LLC, directly  
and derivatively on behalf of  
ITERATIVE CAPITAL, L.P.,

Plaintiff,

v.

ITERATIVE CAPITAL MANAGEMENT L.P.,  
ITERATIVE CAPITAL GP, LLC, ITERATIVE  
OTC, LLC (d/b/a "I2 TRADING" and  
"ESCHER"), ITERATIVE MINING, LLC,  
BRANDON BUCHANAN, and  
CHRISTOPHER DANNEN,

Defendants.

20 Civ. 3274 (VM)

**Amended Case Management Order**

This Court's May 5, 2021, Case Management Order, ECF NO. 75, remains in effect, except the remaining deadlines are amended as follows:

1. All fact discovery is to be completed by: **November 24, 2021.**
2. Depositions to be completed by: **November 24, 2021.**
3. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by:
  - a. Plaintiff: **[2 months from end of fact discovery]**
  - b. Defendant: **[3 months from end of fact discovery]**

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TO BE COMPLETED BY THE COURT:

4. The next Case Management Conference is scheduled for:

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

**SO ORDERED:**

DATED: New York, New York

\_\_\_\_\_, 2021

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VICTOR MARRERO,  
U.S.D.J